IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21097 of 2004

Between:

M.Venkatesham, S/o.Swamy,
H.No.11-202, Agriculture, siddanthi (Village), shamshabad (Mandal,
Ranga Reddy District.

..... PETITIONER

AND

The Land Acquisition officer and The Revenue Divisional officer Chevella Division, Attapur (P.O.) Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order holding that the action of the respondent in not referring the acquisition of the premises bearing Door No.14-174 of Siddanthi Village and Shamshabad Mandal Ranga Reddy District to the court under section 18 of the Land Acquisition Act as illegal arbitrary and unreasonable and also opposed to the second provision to Art 31 A and Art 300A of the Constitution of India true and further direct the respondent to refer the matter to the court under section 18 of the Act of fix the market value.

Counsel for the Petitioner:MR.K.SOMA KONDA REDDY

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition. Both the counsel requested for disposal of the writ petition at the stage of admission.

Admittedly, petitioner's lands were acquired under the provisions of the Land Acquisition Act (for short 'the Act') for the purpose of road widening and an award was also passed on 4.8.2003. According to the petitioner, when he was issued notice under Section 12(2) of the Act on 4.8.2003, he sent a representation to the respondent on 20.8.2003 seeking reference of the matter to a competent Civil Court under Section 18 of the Act and the same was received by the respondent on 23.8.2003. It is stated that the said representation was also forwarded through courier service and the same was also received by the respondent on 31.8.2003. While so, admittedly, the petitioner received the amount of compensation under protest on 10.9.2003. This writ petition is filed complaining that so far the respondent has not referred the matter to the Civil Court under Section 18 of the Act.

Since the public exchequer will be burdened with payment of interest in the event the Civil Court enhances the compensation, it is expected that the Land Acquisition Officer will act promptly in referring the matter to the competent Civil Court with a view to minimize the said burden. In view of the same, the respondent-Land Acquisition Officer is hereby directed to consider the representation submitted by the petitioner on 20.8.2003 and if the same is in order, refer the matter to the competent Civil Court forthwith.

With the above direction, the writ petition is disposed of. No costs.

A. GOPAL REDDY. J.

18th November, 2004

tsr.

To

1. The Land Acquisition officer and The Revenue Divisional officer Chevella Division, Attapur (P.O.) Ranga Reddy District.

2. Two C.C.s to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad.(OUT)

3 Two C.D. copies.